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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,573	11/01/2001	Henry J. Straub	702.115	4276
38933	7590	11/16/2005	EXAMINER	
DEVON A. ROLF GARMIN LTD. 1200 EAST 151ST STREET OLATHE, KS 66062			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,573

Applicant(s)

STRAUB, HENRY J.

Examiner

Tu X. Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/9/02, 9/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37-38 and 40-44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (US Patent 5,422,816) in view of Marcarelli et al. (US Pub. 2002/0070881).

Regarding claim 37, Sprague et al. disclose a portable radio capable of communicating with other portable radios over a wireless radio network (see col.1 lines 12-45), the radio comprising:

a transceiver (see 26, fig.1) for transmitting voice communications and location data to and receiving voice communications and location data from at least one of the other radios (see col.3 lines 1-12);

a continuous tone coded squelch system (CTCSS) for controlling audio output of the transceiver so that a user of the radio only hears certain selected communications transceiver over the network (see col.2 lines 35-54).

Sprague et al. fail to disclose coding and decoding location data.

Marcarrelli et al. disclose coding and decoding location data (see par. 039, 041).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the system of Sprague with the above teaching of Marcarrelli in order to provide coder and decoder for convert data to other data format.

Regarding claim 40, Spargue et al. disclose a method of transmitting voice communications and location data between a plurality of radios, the method comprising the steps of:

transmitting the voice communications along with a continuous tone coded squelch system (CTCSS) sub-audible tone so that the radios receiving the voice communications will un-mute their audio if they have a CTCSS set to the sub-audible tone (see col.4 lines 7-15).

Sprague et al. fail to disclose coding and decoding location data.

Marcarrelli et al. disclose coding and decoding location data (see par. 039, 041). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sprague with the above teaching of Marcarrelli in order to provide coder and decoder for convert data to other data format.

Regarding claim 41, Sprague et al. disclose a portable radio capable of communicating with at least one other portable radio over a wireless radio network, the radio comprising:

a radio transceiver for transmitting voice communications to and receiving voice communications from the other radio (see 26, fig.1); and

a continuous tone coded squelch system (CTCSS) coupled with the radio transceiver for controlling audio output of the transceiver so that a user of the radio only hears certain communications transmitted over the network, the CTCSS including a

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selector for selecting between a plurality of CTCSS tones that each, when selected, is transmitted by the radio transceiver and received by the other radio and used to enable audio output of the other radio only if the other radio has been set to the same CTCSS tone (see col.4 lines 7-15).

Sprague et al. fail to disclose an emergency tone.

Marcarelli et al. disclose an emergency tone (see par.049). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Spargue et al. with the above teaching of Marcarelli et al. in order to provide the user tracking system applied to a public safety vehicle environment (as disclose by Marcarelli, see par.055).

Regarding claim 42, the modified Sprague et al. the emergency CTCSS is selected from existing CTCSS tones (see Marcarelli, par.048-049).

Regarding claim 43, the modified Sprague et al. disclose the emergency CTCSS tone is a new tone added to the CTCSS (see Marcarelli, par.048-049).

Regarding claims 38 and 44, the modified Sprague et al. disclose a GPS receiver for receiving satellite signals from a plurality of satellites (see Sprague, col.3 lines 50-65); and

a processor coupled with the GPS receiver for calculating a location of the radio as a function of the satellite signals (see Sprague, col.2 lines 56-67).

3. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (US Patent 5,422,816) in view of Marcarelli et al. (US Pub. 2002/0070881) and further in view of Tranchina et al. (US Pub. 2003/0080897).

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Regarding claim 39, the modified Sprague et al. disclose the wireless radio network comprises a Family Radio Service (FRS) network.

Tranchina et al. disclose the wireless radio network comprises a Family Radio Service (FRS) network (see par.005). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Prague with the above teaching of Tranchina et al. in order to be used when vacationing, hiking, biking, walking, and so forth.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

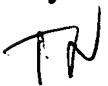
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

  
October 13, 2005

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

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